

**Town of Framingham Planning Board Meeting
August 17, 2004**

In attendance are Tom Mahoney, Chairman, Ann Welles, Vice Chairman, Sue Bernstein and Andrea Evans-Carr. Also present is Jay Grande, Planning Administrator and MaryRuth Reynolds, Administrative Assistant.

Meeting was called to order at 7:40 pm

I. Administrative

Approval of minutes, No minutes for review at this meeting.

II. ANR – 660 Pleasant Street

In attendance for applicant: Rob Gemma. Jay noted that this ANR plan had been before the board and voted not to endorse because of a question with the Mass highway for the permit of the driveway opening. However the applicant had since provided the Mass highway information and the town engineer has now recommended the endorsement of this application. There is a brief discussion on the ANR plan and zoning issues. Ann Welles felt that Jay Grande should send a letter to zoning to recommend that they approve the variance for the carport located on the original house. Harry ? (abutter living on Hickey Drive) was concerned about drainage and having it affect his property, which is lower than the applicant's property and would like to flag this issue when the building department issues permits. Even though this is not an item that the Board can review for an ANR plan Sue Bernstein suggest that they send a letter to the building department alerting them to the potential water drainage problems.

Sue Bernstein motioned to endorse the ANR plan for FM Builders located at 660 Pleasant Street on the plan dated May 27, 2004. Thomas Mahoney seconded the motion. The vote was 4 in favor and 0 opposed. Ann Welles motioned to instruct Jay Grande to send a letter to the ZBA expressing the

Planning Boards support that they grant the variance to allow the carport to remain on the original building located at 660 Pleasant Street. Andrea Carr-Evans seconded the motion. The vote 4 was in favor and 0 opposed.

III. ANR – 263 Union Street

In attendance for the applicant: Rob Gemma.

Thomas Mahoney stated that this application was before the Board before and was continued because the community notice signs were not posted. Rob Gemma gave a brief proposal on the ANR plan. There was a brief discussion with the Board. Thomas Mahoney stated that the town engineer had recommended endorsement for this ANR.

Ann Welles motioned to endorse the ANR plan for the property located at 264 Union Avenue on the plan dated June 16, 2004. Sue Bernstein seconded the motion. The vote was 4 in favor and 0 opposed.

IV. Final Occupancy Permit for 88 Blandin Avenue

In attendance for the applicant: Rob Lopez (owner) and Andy Griffin
Jay Grande updated the Board on the issues that were raised at the last meeting. He stated that the lot had been paved about a month ago and the landscaping was in place. The sidewalk had still not been constructed which is in the town right of way. Rob Lopez stated that the final coat of asphalt had been laid and striped, the landscaping had been replaced and that a wooden/ chain link fence had been installed. Rob Lopez also stated that the DPW was not ready to give approval for the sidewalk due to changes in the sewage piping. He said they are willing to go forward with the plans as soon as the town makes the final approval. Jay Grande was concerned about the letter of credit and that it could expire before the work is completed. There is some discussion with the Board and the Applicant on the sidewalk issue. Jay Grande recommends that the Board request an extension of the letter of credit. The current letter of credit expires on 01/01/04. The Board requested that they extend the letter of credit 2 years more with a one-year extension.

Thomas Mahoney opens to the public. Fran Demarco resident opposes this project. He is upset that there is no sidewalk and wants the Board to tell the applicant what to do. He stated that there was debris that belonged to the applicant and that it wasn't cleaned up and that there was a burned out car there. Rob Lopez responded to the resident's comments. He stated that the car was a pick up from the police department and that they were holding it and it has since been stored inside. He also stated that they had cleaned up the adjacent lot to the best of their ability. The Board wanted Jay Grande to send an e-mail to the building department to contact the owner of the adjacent property in regards to the nuisance by-law to try to get it cleaned up. *Ann Welles motioned to grant the final occupancy permit contingent on the town engineer approval of the as-built plans and the CAD submission, the extension of the letter of credit for the sidewalk to Jan 2008, and that the applicant send a letter to the Board on the possibility and time line of enclosing the property they are renting from N-Star with a fence. Andrea Carr-Evans seconded the motion. The vote was 4 in favor and 0 opposed.*

V. **Continued Public Hearing for Special Permit for Use, Site Plan Review Approval and Public Way Access Permit, 222 & 236 Cochituate Road, Eastern Bank.**

This hearing was continued to September 28, 2004 at 7:45.

VI. **Occupancy Permit for 517 Worcester Road.**

Jay Grande updated the Board of the ongoing site problems accruing with this project. He stated that the menu board had been relocated and no longer blocks the pedestrian crosswalk. Jay also noted that the Building Commissioner, Joe Milliken was in the position to extend the temporary occupancy permit, but felt that there were a lot of issues on this site and that he recommended allowing the applicant and owners continue to implement the necessary improvements. *Ann Welles motioned to recommend to extend the temporary occupancy permit for the Dunkin Donuts at 517 Worcester*

Road an additional 60 days with the understanding that a plan will be prepared with a description of the improvements described in doc # 939-04 for review by the Planning Board prior to the expiration of that extension. Sue Bernstein seconded the motion. The vote was 3 in favor, 0 opposed and 1 abstained Thomas Mahoney.

VII. Brimstone OSRD

Krista Collins – Sudbury Valley Trustees, updated the Board on the open space dedication. She stated that it is up to the Planning Board to direct the owner to make the transfer for the open space. Jay Grande stated that they should be in contact with the Conservation Commission and that then the board can give final recommendation. Jay Grande wanted to make sure this issue gets taken care of before the lots were released and control goes to the homeowner. This will be continued to August 31, 2004 for a follow up discussion.

VIII. Doeskin II Subdivision

In attendance: Peter Barbieri and Chris Kotsiopoulos.

Jay Grande noted that there are several documents for this item, 921-04, 923-04, 924-04, which are the amended covenant, homeowner documents and the maintenance agreements and the estimates from the town engineering 889-04 and 890-04, which are related to onsite and offsite improvements. Jay recommended that any action that the Board were to take now or at future meetings should be subject to the review and approval of the subdivision documents, covenant amendments, and that all documents be recorded once they are review and approved by town counsel. Jay Grande stated that the Board still needed to receive the final report from Peter Baril stating for the record that everything was in order, a performance guaranty for the on-site improvements and a payout to the 593 consultant and the town for the off-site improvements. Jay Grande felt that those were the only items left outstanding that needed to be resolved before any lots were released. The

Board had a brief discussion on the language of the covenant agreements. Thomas Mahoney read an e-mail from Don Bears. Peter Barbieri responded to concerns noted in the e-mail and stated that the applicant had addressed them and that additional improvements had been made to correct drainage problems. Peter Barbieri also reviewed the changes made to homeowner's documents which had been sent to town counsel for review. The Board and Peter discussed the figures involved with the covenant. Peter would like to get release subject to the final items needed. The Board review photos of the improvements to the drainage made to date. The Board discussed the Homeowners Association documents and where the liability of the maintenance and enforcement of the drainage system would lie and what assurance did the Board had of this for future issues. Ann Welles recaps what the Board would need before everything was signed, a report from Peter Baril stating that everything is complete and is ok, review by Town counsel and the performance guarantee for the on site improvements, payout for the 593 and payout to the town for the off site improvements. She asked if all 5 of these need to be in place before the less of any lots or will they release the lot across the street being some how exempt? Peter Barbieri stated that all the items except Peter Baril's letter still apply to the lot across the street. Peter Barbieri asked the Board to release lot 15 for sale and construction. ***Sue Bernstein motioned to release lot 15 for sale and building provided that town counsel had approved all the necessary documents. Ann Welles seconded the motion. The vote was 3 in favor, 0 opposed and 1 abstained Andrea Carr-Evans.***

IX. 74-80 New York Avenue site amendment

In attendance: David Pelleri

Dave Pelleri briefly reviewed the onsite improvements that the applicant proposed to make to the existing site. He explained that all pedestrian crosswalk and sidewalks would be improved; because of the improvements they would also have to conduct a few minor site modifications due to the

new curbing. Jay Grande asked if the improvements would in anyway alter the parking lot and spaces. Dave Pelligi responded that it did not. The Board also wanted to know if the landscaping would be altered by the improvements. Dave Pelligi responded that they felt the landscaping would not be altered enough so that they were out of compliance, and that they would be adding some green space to balance what would be removed. The Board will need to receive a copy of the as-built plans, and a document that shows no net loss in the landscaping ratio. The Board also recommended that the applicant go to the board of selectmen, town engineer and that there be a plan note on the as-built that a pedestrian crosswalks and sidewalk comply with architectural access.

X. Derby Street Extension – Signing of the Approved plans and Covenant Contract

Jay Grande stated that he felt that the Board didn't have time to review the covenant contract. There were some discrepancies with the decision and filing dates. The Board decided to sign the approved plans. The dates will be verified and corrected.

XI. Planning Board Members' Prerogative

- a. The board reviewed the groundwater protection by-law. They would like to review this prior to a hearing and town meeting and invite Peter Sellers to attend a meeting for comment on the by-law. The board will hold a public hearing to formulate a written recommendation on this by-law on September 28, 2004.
- b. The Board discussed the over 55 by-law.
- c. The Board agreed to have a zoning night once a month for the sole purpose of discussing any zoning issues.
- d. The Board agreed to use Bergmeyer for the 593 Consultant and Ed Fuller for the landscaping consultant on the 350 Cochituate Road project. Jay Grande should also send a letter to Natick stating that Framingham welcomes

their input.

XII. Meeting adjournment

Andrea Carr-Evans motioned to adjourn. Tom Mahoney seconded the motion.

The vote was 4 in favor 0 opposed the meeting adjourned at 12:00 am

Respectfully submitted,

Mary Reynolds

Recording Secretary

****THESE MINUTES WERE APPROVED WITH AMENDMENTS AT THE
PLANNING BOARD MEETING OF SEPTEMBER 28, 2004**

Thomas Mahoney, Chairman